

# Order

Michigan Supreme Court  
Lansing, Michigan

June 10, 2010

Marilyn Kelly,  
Chief Justice

140570 & (79)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

MARTIN MCDERMENT, GALE MCDERMENT  
MICHAEL BAYOFF, SUSAN BAYOFF, JOE  
MILLS, CHRIS MILLS, LEE SHARKAS, MACI  
SHARKAS, JOHN SOULET, ANJELA SOULET,  
CHRIS MAKEPEACE, DEBBIE MAKEPEACE,  
RICHARD PRICE, MICHAELA PRICE, MARK  
SHOEMAKER, PAMELA SHOEMAKER,  
DAVID LIVERMORE, THERESE LIVERMORE,  
JOHN WALKER, VALERIE WALKER,  
HOWARD FISHER, NANCE FISHER, TRACY  
PARKS, PAMELA PARKS, PAUL MILEWSKI,  
and GERALYN MILEWSKI,

Plaintiffs-Appellees/  
Cross-Appellants,

v

SC: 140570  
COA: 285570  
Oakland CC: 2002-044667-CZ

BILTMORE PROPERTIES, INC.,  
Defendant-Appellant/  
Cross-Appellee,

and

BIRKDALE POINTE SUBDIVISION  
HOMEOWNERS ASSOCIATION, TRACI  
PHILLIPS d/b/a PRINCIPAL PROPERTY  
MANAGEMENT, TOLL BROTHERS, INC.,  
THE SILVERMAN BUILDING COMPANIES,  
INC., HQZ ACQUISITIONS, INC., and  
TOWNSHIP OF COMMERCE,  
Defendants.

On order of the Court, the application for leave to appeal the November 17, 2009 judgment of the Court of Appeals and the application for leave to appeal as cross-appellants are considered, and they are DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.



d0603

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 10, 2010

*Corbin R. Davis*

Clerk